

Message Text

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ACTION L-03

INFO OCT-01 ARA-10 ISO-00 DHA-02 AID-05 CIAE-00 INR-07
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C O N F I D E N T I A L RIO DE JANEIRO 3637

DEPT PASS AID/ARA FROM RUBIN

E.O. 11652: GDS
TAGS: BR, SHUM
BFXYN9: POSSIBLE INITIATIVES FOR THE INTER-AMERICAN JURIDICAL
COMMITTEE ON HUMAN RIGHTS

REF: STATE 178313

1. JURIDICAL COMMITTEE OPENED FORMAL SESSION JULY 25 IN SOME DISARRAY, LARGELY DUE TO VERY LIMITED AGENDA OF UNIMPORTANT "PRIORITY" TOPICS CARRIED OVER FROM LAST SESSION, FACT THAT PAPERS GENERALLY NOT PREPARED OR PREVIOUSLY DISTRIBUTED EVEN ON THESE, AND GENERAL INCOMPETENCE OF CHAIRMAN (CAICEDO CASTILLA, COLOMBIA). AMONG THREE NEW MEMBERS (PROVENZALI, VENEZUELA; HERRARTE, GUATAMALA; AND DOUGLAS, BARBADOS), LAST IS CLEARLY THE STAR, AND WOULD BE EXCELLENT IN ANY GROUP. WORK IN FIRST WEEK GENERALLY LIMITED, WITH EXCEPTION MENTIONED BELOW, TO PROCEDURAL MATTERS.

2. EXCEPTION WAS TAKING UP NON-PRIORITY TOPIC ON WHICH I AM RAPPORTEUR, ROLE OF LAW IN SOCIAL CHANGE. PROPOSED RESOLUTION AND STATEMENT OF REASONS HAD BEEN SENT TO RIO IN ADVANCE AND TRANSLATED, AND IT WAS THUS POSSIBLE TO DISCUSS THEM. CONSENSUS WAS APPROVAL OF RESOLUTION
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BASICALLY COMMENDING WORK DONE IN THIS AREA WITH FINANCING OF AID AND INTER-AMERICAN FOUNDATION, SUGGESTING THAT FURTHER WORK BE DONE, AND SENDING RESOLUTION TO SECGEN OAS FOR POSSIBLE REFERENCE TO OTHER ORGANS OF OAS. IN ORAL DISCUSSION, I SUGGESTED INTER-AM COMMISSION ON HUMAN RIGHTS, AND POSSIBLE JOINT SESSION OF COMMITTEE AND COMMISSION ON LEGAL RIGHTS OF POOR AND SISADVANTAGED PERSONS, IN ORDER

TO EFFECTURATE RIGHTS INCLUDED IN LEGISLATION BUT NOT IMPLEMENTED, REFERRING TO LAND REFORM, RIGHT OT SPEEDY TRIAL, ETC. I ALSO REFERRED TO PREVIOUS WORK (IN 1959) OF COMMITTEE IN HUMAN RIGHTS AREA. THIS RESOLUTION WAS ENDORSED IN PRINCIPLE, BUT SEVERAL SUGGESTIONS MADE FOR REDRAFTING. REDRAFT IS PREPARED AND NOW GOES TO WORKING GROUP (RUBIN, DOUGLAS, VARGAS AND PROVENZALI).

3. THIS MAY OPEN UP POSSIBILITIES FOR PROPOSALS ALONG LINES SUGGESTED REFTEL, THOUGH I AM NOT OPTIMISTIC. SUGGESTIONS RAISE ISSUES OF CONSIDERABLE SENSITIVITY, PARTICULARLY IN A BODY WHICH DURING MY TENURE HAS SHOWN NO TENDENCY TO STEP ON TOES OF ANY LATIN AMERICAN GOVERNMENT. HOWEVER, PERHAPS THE ROLE OF LAW TECHNIQUE MIGHT BE USED -- THAT IS, ARGUING THAT SUBJECT IS MERELY IMPLEMENTATION OF RIGHTS GENERALLY AGREED. ENHANCING THIS POSSIBILITY IS A PHRASE IN ONE OF THE "RESOLVES" OF MY REDRAFT ON THE ROLE OF LAW IN SOCIAL CHANGE ENDORSING "THE CONTRIBUTION OF LAW TO SOCIAL PROGRESS AND TO EFFECTIVE HUMAN RIGHTS", ASSUMING THAT THAT PHRASE SURVIIVES WORKING GROUP AND COMMITTEE CONSIDERATION LATER THIS WEEK.

I PROPOSE TO RAISE ISSUES MENTIONED IN REFTEL IN INFORMAL SOUNDINGS WITH POSSIBLY SYMPATHETIC COMMITTEE MEMBERS IN HOPES BEABLE TO PUT FORWARD USEFUL PROPOSAL WITH A CHANCE OF SUCCESS. TRADITIONALLY, HOWEVER, THE IAJC HAS DISCUSSED LEGAL PRINCIPLES, GENERALLY WITH IDEA OF PUTTING FORWARD CONFIDENTIAL

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A CONVENTION OR A "DICTAMEN" RATHER THAN ACTION PROGRAMS. IT HAS ALREADY BEEN POINTED OUT THAT IN THIS RESPECT THE WORK ON THE ROLE OF LAW IN SOCIAL CHANGE IS A DEPARTURE FROM THE TRADITIONAL ROLE OF THE IAJC, AND THAT SUCH DEPARTURES, WHILE PERHAPS OCCASIONALLY JUSTIFIED, SHOULD BE RARE.

4. CHAIRMAN HAS DECIDED, WITHOUT CONSULTATIONS, THAT HE WILL BE RAPPORTEUR FOR ITEM ON INDUSTRIAL PROPERTY WHICH WAS SUGGESTED BY GENERAL ASSEMBLY. I HAVE PUT IN BID TO BE AT LEAST CO-RAPPORTEUR ON TRANSFER OF TECHNOLOGY ITEM ALSO RECOMMENDED BY GA. THERE WAS APPARENTLY SOME THOUGHT ON PART OF CHAIRMAN AND OTHERS THAT THESE ITEMS MIGHT BE DISCUSSED AT THE PRESENT SESSION OF THE COMMITTEE. I HAVE PROTESTED STRONGLY (WITH SUPPORT) ON GROUND THAT PREPARATION OF USEFUL REPORTS ON THESE SUBJECTS MUST TAKE INTO ACCOUNT VAST AMOUNT OF WORK DONE AND BEING DONE ELSEWHERE ON BOTH SUBJECTS, AND I DO NOT EXPECT SUBSTANTIVE WORK ON THESE MATTERS AT THIS SESSION.

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